

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
WINCHESTER DIVISION**

<b>ASHTON HUGHES,</b>	)	
<b>JOSHUA VANDUSEN,</b>	)	
<b>SHANNON HELMERS, and</b>	)	
<b>CHARLES DODSON,</b>	)	<b>Case No. 4:19-cv-00028-CLC-SKL</b>
	)	
<b>Plaintiffs,</b>	)	<b>JURY DEMAND</b>
	)	
<b>v.</b>	)	
	)	<b>JUDGE COLLIER</b>
<b>DENISE JACKSON and</b>	)	<b>MAGISTRATE JUDGE LEE</b>
<b>RVSHARE, LLC,</b>	)	
	)	
<b>Defendants.</b>	)	

**PLAINTIFFS' MOTION TO STRIKE**

Plaintiffs Ashton Hughes, Joshua Vandusen, Shannon Helmers, and Charles Dodson (collectively "Plaintiffs"), respectfully move this Court, pursuant to Fed. R. Civ. P. 12(f), to strike Defendants' assertions of comparative fault "jointly and severally" against Plaintiffs.<sup>1</sup> As discussed in the accompanying Memorandum of Law, not only have Defendants failed to properly plead their new/additional affirmative defenses, but moreover because it is legally impermissible to seek to aggregate the comparative fault assigned to each individual Plaintiff (under a theory of joint and several liability) in an effort to preclude recovery entirely, Defendants' attempt to assert comparative fault "jointly and severally" is insufficient and should be stricken.

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<sup>1</sup> On January 31, 2020 Defendant Denise Jackson filed an "Assertion of Comparative Fault" (D.E. 51) and Defendant RVshare, LLC filed a "Notice of Comparative Fault Allegations" (D.E. 52), both of which seek to assert comparative fault against Plaintiffs "jointly and severally." In the interest of judicial economy, Plaintiffs file this single motion seeking to strike any attempt to assert comparative fault jointly and severally against Plaintiffs.

Respectfully submitted,

**NEAL & HARWELL, PLC**

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served by the Court's Electronic Filing System upon the following counsel of record on this 21st day of February, 2020.

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